IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO. OF 2007

IN

WRIT PETITION NO. 2584 OF 2007

Mrs.Charulata H. Lulla... ... Petitioner.

Versus

Hiroo T. Shahani & Others... ... Respondents.

Smt. V.V.Thorat for the Petitioner.
Mr. S.G.Karandikar for Respondent No.3.

CORAM : B.H.MARLAPALLE, J.

DATED : 20TH APRIL, 2007.

P.C.:

Heard Smt. V. V. Thorat, learned Counsel for the petitioner and Mr. S. G. Karandikar, learned Counsel for respondent no.3.

2. The petitioner is aggrieved by the interlocutory order passed by the Competent Authority, Konkan Division, Mumbai, rejecting stay to the eviction proceedings filed under the Maharashtra Rent Control Act, 1999 and the said order was also challenged by

filing the revision under Section 44 of the said Act but the said revision was also rejected as per the order passed by the Additional Commissioner, Konkan Division on 21st February, 2007.

3. It is pointed out by Smt. Thorat, learned Counsel for the petitioner, that unless the proceedings i.e. the miscellaneous petition now registered as a Suit pending in this Court is finally decided, the application submitted before the Competent Authority cannot be heard and decided and it is not possible to execute such order during the pendency of the said suit before this Court.

4. Under these circumstances, she has filed this civil application praying for leave to withdraw the proceedings i.e. Ejectment Application No. C-55 of 2003 pending before the Competent Authority, Konkan Division, with liberty to file fresh proceedings after getting the Letters of Administration / Probate in the proceedings pending before this Court and she further prays to dispose of this petition by allowing the civil application.

5. The civil application is directed to be registered forthwith and the writ petition is disposed off with liberty to the petitioner to withdraw the ejectment application no. C/55 of 2003 pending in the Court of the Competent Authority, Konkan Division and further liberty to initiate fresh proceedings after obtaining Letters of Administration / Probate in the proceedings before this Court.

6. By way of clarification, it is made clear that all the rights and contentions of the respective parties are left open.

7. Both the writ petition as well as the civil application are disposed of, in terms aforesaid.

Sd/-

(B. H. MARLAPALLE, J.)